

CITY OF SAN ANTONIO

Zoning Commission Agenda

Cliff Morton Development and Business Services Center
1901 S. Alamo Street
First Floor

January 20, 2009
Tuesday, 12:45 PM

ZONING COMMISSIONERS

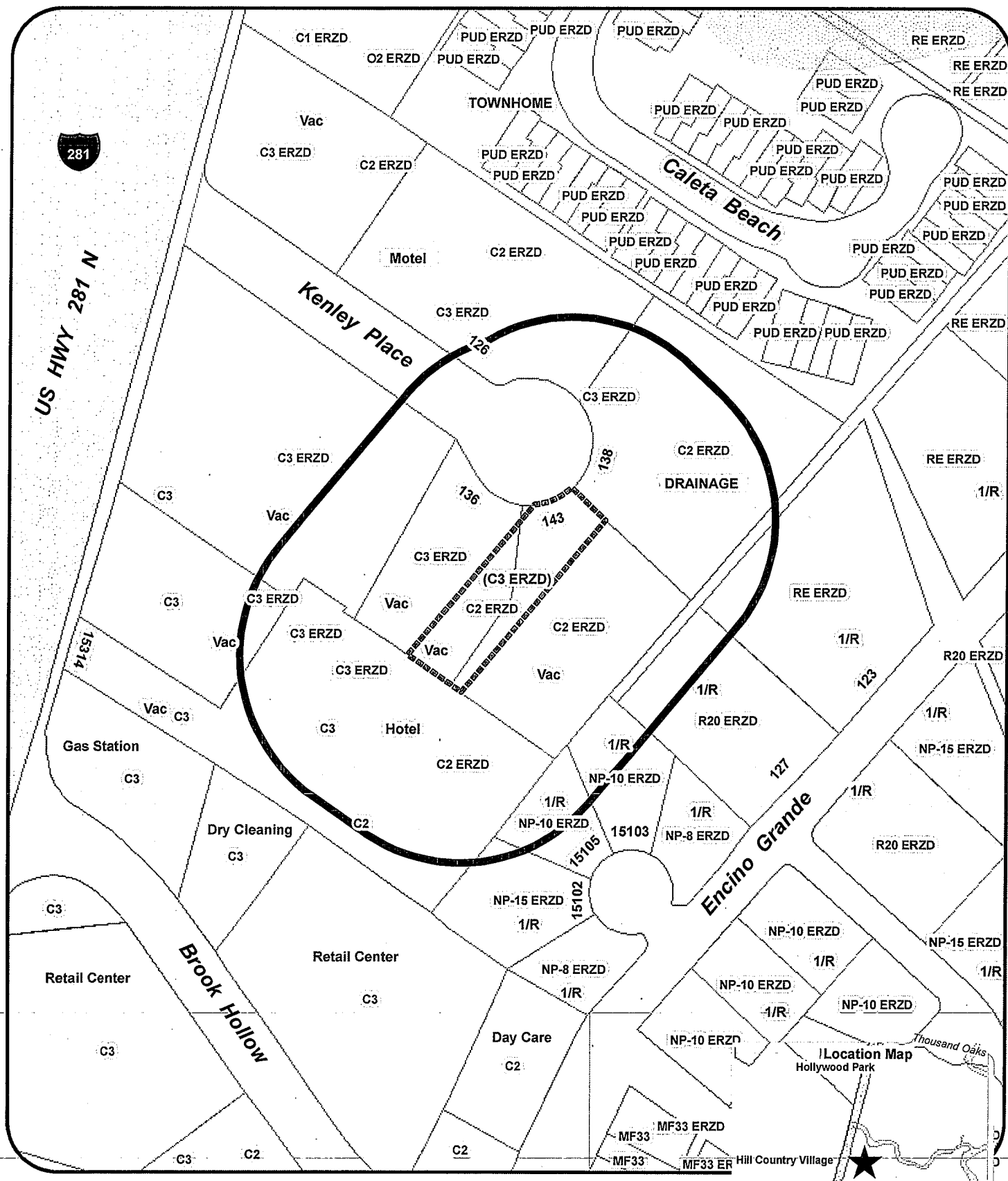
Michael Westheimer – District 1	Jody Sherrill – District 7
Barbara Hawkins – District 2	Ramiro Valadez, III – District 8
Jim Myers – District 4	Susan Wright – District 9
Joe Valadez – District 5	Milton R. McFarland – District 10
Christopher Martinez – District 6	James Gray – District Mayor
Don Gadberry – District 3	
Chairman	

1. **12:45 PM - Work Session discussion of policies and administrative procedures and any items for consideration on the agenda for January 20, 2009, in the Tobin Room, 1901 South Alamo Street, Cliff Morton Development and Business Services Center.**
2. 1:00 P. M. – Call to Order – Board Room
3. Roll Call.
4. Pledge of Allegiance.
5. Approval of January 6, 2008 Minutes.
6. **ZONING CASE NUMBER Z2009027 ERZD:** A request for a change in zoning from “C-2 ERZD” Commercial Edwards Recharge Zone District to “C-3 ERZD” General Commercial Edwards Recharge Zone District on 0.46 of an acre out of Lot 18 and 19, Block 13, NCB 13827, 136 and 143 Kenley Place. (Council District 9)
7. **ZONING CASE NUMBER Z2009030 CD:** A request for a change in zoning from “R-5” Residential Single-Family District to “R-5 CD” Residential Single-Family District with a Conditional Use for a Bakery on the east 50 feet of the north 150 feet of Lot 25, Block 3, NCB 8418, 723 Gardina Street. (Council District 1)

8. **ZONING CASE NUMBER Z2009031 S:** A request for a change in zoning from "I-1" General Industrial District to "C-3NA S" Commercial Nonalcoholic Sales District with a Specific Use Authorization for an Auto Alarm and Radio Retail Store on Lot 19, NCB 12170, 1790 Austin Highway. (Council District 10)
9. **ZONING CASE NUMBER Z2009032:** A request for a change in zoning from "C-3" General Commercial District to "C-3 HS" General Commercial Historic Significance District on the east 114.6 feet of Lot 14, Block 3, NCB 1726, 2011 McCullough. (Council District 1)
10. **ZONING CASE NUMBER Z2009034 S:** A request for a change in zoning from "C-3" General Commercial District to "C-3 S" General Commercial District with a Specific Use Authorization to allow a Pay Day Loan Agency on a 0.0476 acre tract of land out of Lot 18, NCB 13718, 834 Northwest Loop 410. (Council District 1)
11. Director's Report: No issue to report.
12. Executive Session: consultation on attorney-client matters (real estate, litigation, personnel and security matters) as well as any of the above agenda items may be discussed.
13. **ADJOURNMENT**

Accessibility Statement

This meeting is wheelchair accessible. Accessible entrances are located at the front and side of the building at 1901 South Alamo Street. Accessible parking spaces are located at the front and rear of the building. **Auxiliary Aids and Services are available upon request (Interpreters for the Deaf must be requested forty-eight [48] hours prior to the meeting).** For Assistance, Call (210) 207-7245 Voice/TTY.



Zoning Case Notification Plan

Case Z2009027 ERZD

Council District 9

Scale: 1" approx. = 150'

Subject Property Legal Description(s): 0.463 acres out of Lots 18 and 19, Block 13, NCB 13827

Legend

Subject Property	----- (.4630 acres)
200' Notification Buffer	—————
Current Zoning	C2 ERZD
Requested Zoning Change	(C3 ERZD)
100-Year FEMA Floodplain	~~~~~



City of San Antonio
Planning - Development Services Dept.
10/31/2008
D. E. Castillo

CASE NO: Z2009027 ERZD

Final Staff Recommendation - Zoning Commission

Date: January 20, 2009

Council District: 9

Ferguson Map: 517 A6

Applicant Name:

Owner Name:

Kaufman & Killen, Inc.

281 Brookhollow Developers, Ltd.

Zoning Request: From "C-2 ERZD" Commercial Edwards Recharge Zone District to "C-3 ERZD" General Commercial Edwards Recharge Zone District.

Property Location: 0.463 of an acre out of Lots 18 and 19, Block 13, NCB 13827

A portion of of 136 and 143 Kenley Place

On the south side of the cul-de-sac on Kenley Place, east of US Hwy 281

Proposal: To allow a 4-story hotel

Neigh. Assoc. Shady Oaks Homeowners Association

Neigh. Plan None

TIA Statement: A Traffic Impact Analysis (TIA) is not required.

Staff Recommendation:

Approval.

The subject property is located on the south side of Kenley Place, just east of US Highway 281, and is approximately 0.46 of an acre of undeveloped land. The property was annexed in 1972, per ordinance 41429. Upon annexation, the subject property was zoned "Temp R-1" Temporary Single Family Residence District. In a 1995 zoning case, the property was zoned "B-2 ERZD" Business Edwards Recharge Zone District. Upon the adoption of the 2001 Unified Development Code, the previous zoning converted to "C-2 ERZD" Commercial Edwards Recharge Zone District. Much of the immediately surrounding property is either undeveloped, or is currently being developed for hotel use. Other surrounding land uses include an office building to the northwest; town homes to the north; single-family homes to the northeast, east, and southeast; with a day care facility and multiple retail strip centers to the south along US Highway 281 and Brook Hollow.

The applicant requests a zoning change in order to allow development of a 4-story hotel. Staff finds the request to be appropriate given the surrounding zoning and development pattern, as well as the property's close proximity to US Highway 281. Although staff is concerned with commercial encroachment on the adjacent residential neighborhood, the requested zoning would not constitute encroachment because commercial zoning already exists on the property. Additionally, the adjacent residential neighborhood will continue to be buffered from the proposed hotel development by the remaining portion of "C-2" zoning, in addition to the landscape buffers required when commercial zoning abuts residential uses.

SAWS Summary:

1. SAWS recommends approval of the proposed land use.
2. SAWS currently identifies the subject property as a Category 1 property.
3. SAWS recommends a maximum impervious cover of 65% on the site.

CASE MANAGER : Micah Diaz 207-5876

SAN ANTONIO WATER SYSTEM
Interdepartment Correspondence Sheet

RECEIVED

08 DEC 23 AM 10: 06

LAND DEVELOPMENT
SERVICES DIVISION

To: Zoning Commission Members

From: Kirk M. Nixon, Manager, Resource Protection Division, San Antonio Water System

Copies To: Scott R. Halty, Director, Resource Protection & Compliance Department, Mike Barr, Environmental Protection Specialist III, Aquifer Protection & Evaluation Section, File

Subject: Zoning Case Z2009027 (Kenley Place @ US 281)

Date: December 23, 2008

SUMMARY

A request for a change in zoning has been made for an approximate 0.46-acre tract located on the city's north side. A change in zoning from **C-2 ERZD** to **C-3 ERZD** is being requested by the applicant, Kaufman & Killen, Inc. The change in zoning has been requested to allow for a motel project. The property is classified as Category 1 property.

Based on the site evaluation of the property, and the information submitted by the applicant, SAWS staff recommends **approval** of the proposed land use. Should the City Council rezone the property that is the subject of this report, the San Antonio Water System recommends that any development on that property after the zoning classification has been changed should be restricted as stated in the environmental recommendations section of this report.

LOCATION

The subject property is located in City Council District 9, near the intersection of U.S. Hwy 281 and Brook Hollow Blvd. The property lies within the Edwards Aquifer Recharge Zone (Figures 1 and 2).

SITE EVALUATION

1. Development Description:

The proposed change is from C-2 ERZD to C-3 ERZD and will allow for the construction of a motel. Currently the site is covered in native vegetation and undeveloped.

2. Surrounding Land Uses:

Shady Oaks Subdivision is located to the east of the proposed development. Two existing motels bound the proposed development to the north and south. U.S Hwy 281 is located immediately to the west of the proposed project.

3. Water Pollution Abatement Plan:

The 281 Brook Hollow Water Pollution Abatement Plan (WPAP) was approved by the Texas Commission on Environmental Quality (TCEQ) on July 12, 2006. According to the geologic assessment in the WPAP, there are no sensitive geologic features located on the site.

4. Geologic Conditions:

The Resource Protection Division of the San Antonio Water System conducted a site evaluation on December 12, 2008, of the referenced property to assess the geologic conditions and evaluate any environmental concerns present at the site. SAWS Environmental Geologist, Mr. Bruce Keels, P.G., was present during the site evaluation.

- A. The subject site was observed as a single lot, lightly to moderately vegetated with native trees and scrub along the western 1/3, approximately 0.46 acres in area. No structures were observed on the site. Some areas of promiscuous dumping of fill material was observed on the eastern side of the property from nearby construction activities.

Low to moderate exposure of bedrock was observed within the western 1/3 of the property. The subject site was observed to have a moderate soil cover of several inches in depth throughout its entire extent.

The site appeared to slope slightly to the north. Stormwater flow on the subject property and adjacent properties appear to have been artificially modified to divert stormwater along a man made drainage swale. Stormwater occurring on the subject site would drain to the north, along a man made drainage swale, and into an adjacent concrete basin located on the lot adjacent to the south.

- B. Using U.S. Geological Survey Water-Resources Investigations Report 95-4030 it was determined that the subject site is underlain by the Cyclic and Marine Member of the Person Formation of the Edwards Aquifer.

The Cyclic and Marine Member of the Person Formation is characterized by the presence of thinly bedded mudstone, packstone and grainstone with structurally based porosity. The full section thickness of this member is approximately 80 to 90 feet thick. Exposed limestone and associated float rock observed throughout the property was consistent with characteristics of the Leached and Collapsed Member.

- C. The subject site was observed to be covered with significant soil cover and existing concrete cover. No sensitive geologic features, such as sinkholes, caves, creeks, or faults were observed on the subject site.

ENVIRONMENTAL CONCERNS

The environmental concerns associated with this development being constructed on the Edwards Aquifer Recharge Zone are:

General Concerns

1. The improper use of pesticides, herbicides, or fertilizers needed for landscape maintenance that may be carried off in the first flush of stormwater run-off.
2. The build-up of hydrocarbons and other pollutants on streets, parking lots and other paved areas that are then carried off in the first flush of stormwater run-off.

ENVIRONMENTAL RECOMMENDATIONS

The following recommendations address the environmental concerns raised by the construction of this development on the Edwards Aquifer Recharge Zone:

Site Specific Recommendations

1. The impervious cover shall not exceed 65% on the site.
2. The SAWS recommendation of 65% maximum impervious cover is based on the existing commercial designation of the subject property. Also, the subject property is currently a Category 1, determined by SAWS and as such, under the Water Quality Ordinance No. 81491, would be entitled to 100% impervious cover.
3. The land uses within the zoned areas shall be in conformance with the table of permitted uses at the time the re-zoning is approved. Should a proposed use be listed as requiring City Council approval, the owner/operator shall apply for re-zoning for that particular use at that site. If the land use is listed as special use, a special permit must be obtained for that use. If the land use is listed as prohibited, that land use will not be permitted on that site.
4. The owner of all water pollution abatement structures shall be responsible for properly maintaining the basin and that it is kept free of trash and debris. A signed water quality maintenance plan must be submitted to the Resource Protection Division of SAWS. If at any time the ownership of the property changes, the seller must disclose to the buyer all the requirements of the water quality maintenance plan. The new owner must submit a signed water quality maintenance plan to the Resource Protection Division of SAWS.
5. Landscaped areas shall be sensitive to minimizing water needs, i.e., use of native plants. Each purchaser of an individual lot or tenant within this development shall be informed by the seller or lessor in writing about Best Management Practices (BMP) for pesticide and fertilizer application.

Preventing Groundwater Pollution, A Practical Guide to Pest Control, available from the Edwards Aquifer Authority (210/222-2204), or equivalent information produced by the U.S. Natural Resource Conservation Service, Texas Department of Agriculture, U.S.D.A, shall be used.

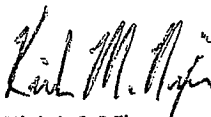
6. The applicant shall notify the Construction Compliance Section of the Resource Compliance Division of SAWS at (210) 233-3564 no later than 48 hours prior to the commencement of construction at the site. If any significant geologic features such as, but not limited to, solution openings, caves, sinkholes, or wells are found during the excavation, construction, or blasting, the developer shall notify the Texas Commission on Environmental Quality at (210) 490-3096 and the Resource Protection Division of the San Antonio Water System at (210) 233-3526.
7. If any sensitive geologic features such as, but not limited to, solution openings, caves, sinkholes, or wells are found during the excavation, construction, or blasting, the developer shall notify the Texas Commission on Environmental Quality at (210) 490-3096 and the Resource Protection Division of the San Antonio Water System at (210) 233-3526.

General Recommendations


1. Prior to the release of any building permits the owner/operator of any Category 2 property shall submit an Aquifer Protection Plan to the Resource Protection Division of the San Antonio Water System.
2. Prior to the release of any building permits, the following shall be submitted to the SAWS Aquifer Protection & Evaluation Section of the Resource Protection Division:
 - A. A copy of the Water Pollution Abatement Plan (WPAP) shall be submitted for each particular development/use within the area being considered for re-zoning,
 - B. A set of site specific plans which must have a signed Engineers Seal from Texas,
 - C. A WPAP approval letter from the Texas Commission on Environmental Quality (TCEQ),
 - D. A copy of the approved Water Pollution Abatement Plan.
3. The storage, handling, use and disposal of all over the counter hazardous materials within this development shall be consistent with the labeling of those materials. Failure to comply with the label warnings may constitute a violation of Federal law.
4. If a water quality basin is constructed on the property, the following is required:
 - A. Below grade basins shall not be allowed to be constructed on the site.
 - B. Prior to the start of the basin construction, the owner will notify San Antonio Water System at (210) 233-3526 to schedule a site inspection.

- B. After basin construction is complete and prior to the start of business, the owner will notify the SAWS Aquifer Protection and Evaluation Section at (210) 233-3526 to schedule a site inspection. Additionally, we recommend a maintenance plan and schedule be developed and submitted to SAWS Aquifer Protection and Evaluation Section.
 - C. If the basin fails to drain properly, the owner will notify the Construction Section of the Resource Compliance Division at (210) 233-3564 prior to any discharge of water.
 - D. If at any time the ownership of the property changes, the seller must inform the buyer of all requirements for maintenance of the Basin. A signed basin maintenance plan and schedule agreement, from the new owner, must be submitted to the Resource Protection Division.
- 5. The City of San Antonio shall inspect all future construction of the sewage collection system to include service laterals and sewer mains for proper construction according to State and City Regulations and Code.
 - 6. The Resource Protection Division staff shall have the authority to inspect the site to ensure that the approved recommendations are being strictly adhered to during and after construction of the project.

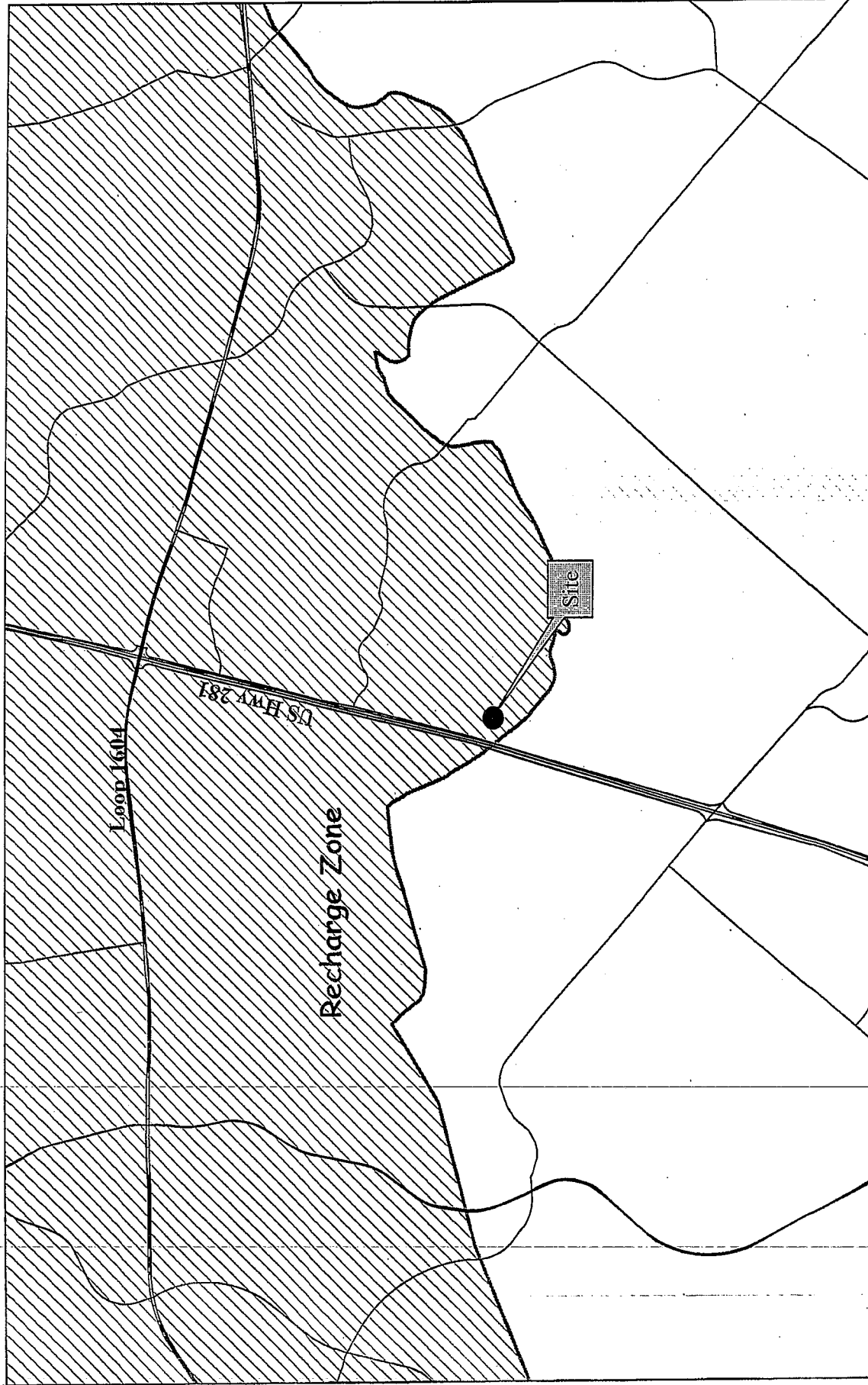
Based on the site evaluation of the property, and the information submitted by the applicant, staff recommends **approval** of the proposed land use. Additionally, SAWS staff recommends that the applicant, or any future owner, comply with the above recommendations in regards to the development of the subject property.


Kirk M. Nixon
Manager
Resource Protection Division

APPROVED:


Scott R. Halty
Director,
Resource Protection & Compliance Department

KMN:MJB



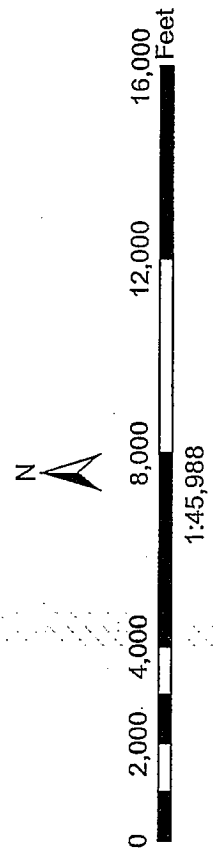
Zoning Case No. Z2009027 Figure 1

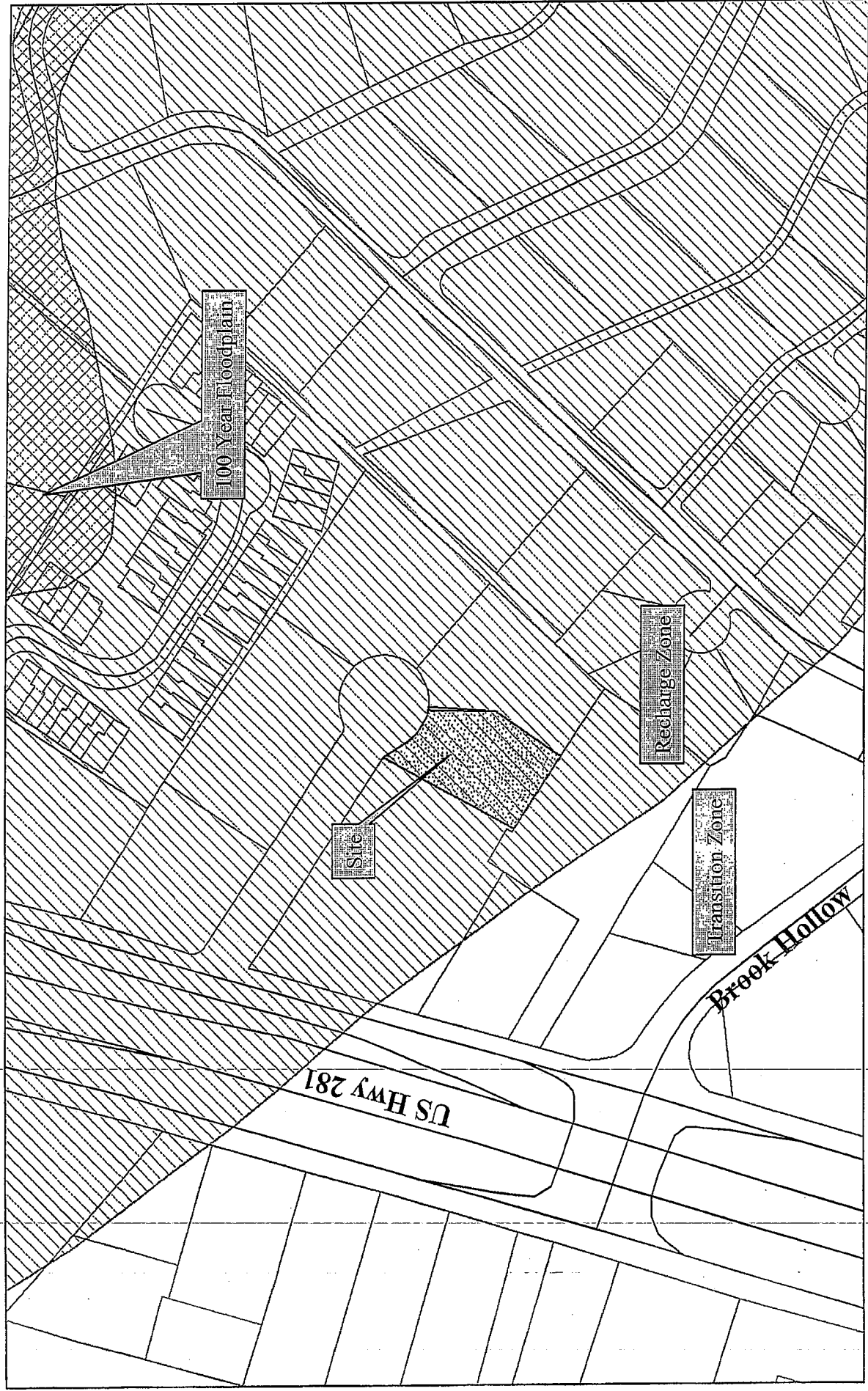
Kenley Place @ US 281

Map Page 517 A6

X=2135395 Y=13759306

Map Prepared by Aquifer Protection and Evaluation MJB 12/11/2008





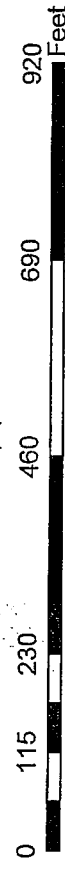
Zoning Case No. Z2009027 Figure 2

Kenley Place @ US 281

Map Page 517 A6

X=2135395 Y=13759306

Map Prepared by Aquifer Protection and Evaluation MJB 12/11/2008



1:2,613

CASE NO: Z2009030 CD

Final Staff Recommendation - Zoning Commission

Date: January 20, 2009

Council District: 1

Ferguson Map: 582 A5

Applicant Name:
Monte D and Margaret Young

Owner Name:
Monte and Margaret Young

Zoning Request: From "R-5" Residential Single-Family District to "R-5 CD" (CD-Bakery - Retail)
Residential Single-Family District with a Conditional Use for a Bakery - Retail.

Property Location: The east 50 feet of north 150 feet of Lot 25, Block 3, NCB 8418

723 Gardina Street

On the north side of Gardina Street, west of West Avenue

Proposal: To allow for a Bakery - Retail

Neigh. Assoc. Los Angeles Heights - Keystone Neighborhood Association

Neigh. Plan Near Northwest Community Plan

TIA Statement: A Traffic Impact Analysis (TIA) will not be required.

Staff Recommendation:

A finding of consistency is not required because the applicant is not requesting a change to the base zoning district. The Near Northwest Community Plan calls for Urban Low Density Residential land use for the subject property.

Denial

The subject property was annexed into the City of San Antonio in May of 1940 and totals approximately 0.1194 acres. There is an existing single-family dwelling with a detached garage on the property, which measures approximately 1,202 square feet and was constructed in 1948. The subject property is located on Gardina Street, a local access street near West Avenue. The subject property is adjacent to "C-3NA" Commercial District, Nonalcoholic Sales to the north, "C-3R" Commercial District, Nonalcoholic Sales to the east, "R-5" Residential Single-Family District to the west with "R-4" Residential Single-Family District across Gardina Street to the south. The owner is requesting a zoning change to allow the use of the detached garage for a retail bakery.

Staff finds the requested zoning to be inappropriate, as it would allow a commercial use too intense for the subject property location. An existing commercial node is located just to the east of the subject property, at the intersection of Gardina Street and West Avenue. However, the subject property is located away from this intersection, abutting and adjacent to established residential uses, on a local street.

Should the proposed commercial use be allowed, the following conditions shall apply to the operation of nonresidential conditional uses permitted within any residential district, unless otherwise approved by the city council:

1. No exterior display or sign with the exception that a nameplate, not exceeding 3 square feet in area, may be permitted when attached to the front of the main structure.
2. No construction features shall be permitted which would place the structure out of character with the surrounding neighborhood.
3. Business or office hours of operations shall not be permitted before 7 a.m. or after 6 p.m.

CASE NO: Z2009030 CD

Final Staff Recommendation - Zoning Commission

The conditional zoning procedure is designed to provide for a land use within an area that is not permitted by the established zoning district but due to individual site considerations or unique development requirements would be compatible with adjacent land uses under given conditions. The granting of a conditional zoning classification shall not be for all of the uses permitted in a given district but shall be only for the conditional use (bookkeeping office, photography studio, etc.) named in the ordinance approving the conditional zoning district.

CASE MANAGER: Pedro Vega 207-7980

Neighborhood and Urban Design Division

Zoning Case Review

Zoning Case No.: Z2009030

Address: 723 Gardenia St.

Existing Zoning: R-5

Requested Zoning: R-5 CD with a
Conditional Use for a Bakery

Registered Neighborhood Association(s): Los Angeles Heights-Keystone

Neighborhood/Community/Perimeter Plan: Near Northwest Community Plan

Future Land Use for the site: Urban Low Density Residential

Analysis:

The subject property is approximately 0.1194 acres and is located four parcels to the west of the intersection of Gardina Street and West Avenue. The properties directly to the north and east of the subject property are currently commercial. The adjacent properties to the west of the subject parcel on Gardina Street are residential.

The future land use in the Near Northwest Community Plan designates this property as Urban Low-Density Residential. The Urban Low-Density Residential classification includes single-family houses on individual lots with one accessory dwelling allowed per lot. Certain non-residential uses such as schools, places of worship, and parks are appropriate within these areas and should be centrally located in order to provide ease of access.

Goal 3, Housing, indicates the community's desire to preserve and protect the existing housing stock in the area (Near Northwest Community Plan, p. 28). The community's desire for preservation of existing residential areas is exhibited by objectives focused on maintenance of housing stock for a variety of incomes, an emphasis on investment in maintenance and home improvement, creation of residential design standards, and construction of new housing stock that is compatible with the character of existing residential development.

Other Comments:

The proposed bakery would present an additional commercial encroachment into an existing residential area that is not supported by the Near Northwest Community Plan. In addition, Gardina Street is a local road and the potential for adverse traffic impacts caused by delivery vehicles is present. Also, as a bakery, there is the possibility that daily operations may emit odors and noise pollution that neighboring property owners could find offensive.

☐ Request conforms to Land Use Plan ☐ Request does not conform to Land Use Plan

☒ Consistency not required because base zoning not changing

Staff Recommendation:

☐ Approval ☒ Denial

☐ Alternate Recommendation:

Reviewer: Tyler Sorrells

Title: Planner

Date: January 14, 2009

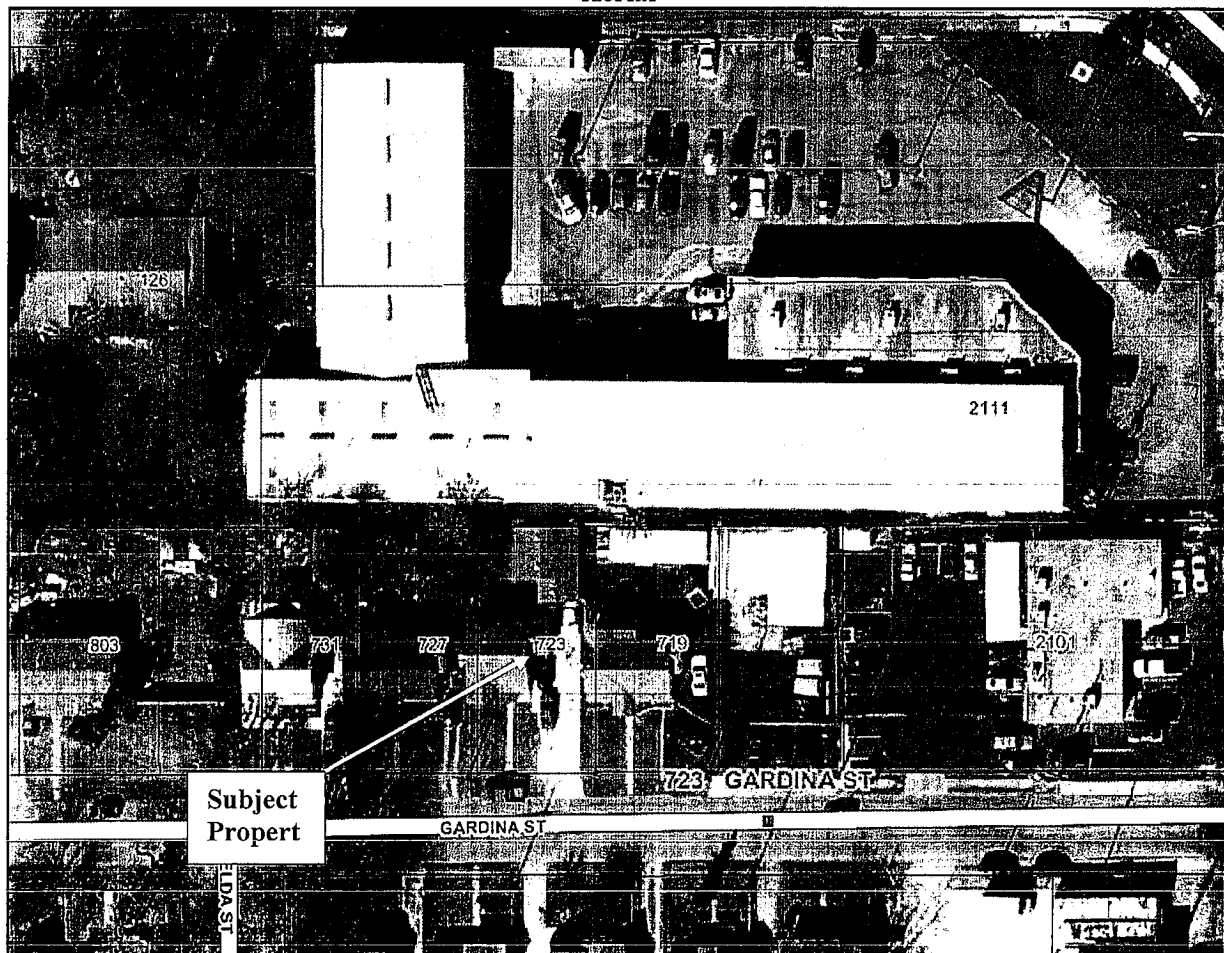
Manager Review: Nina Nixon-Mendez

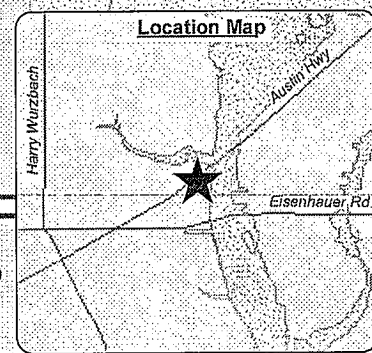
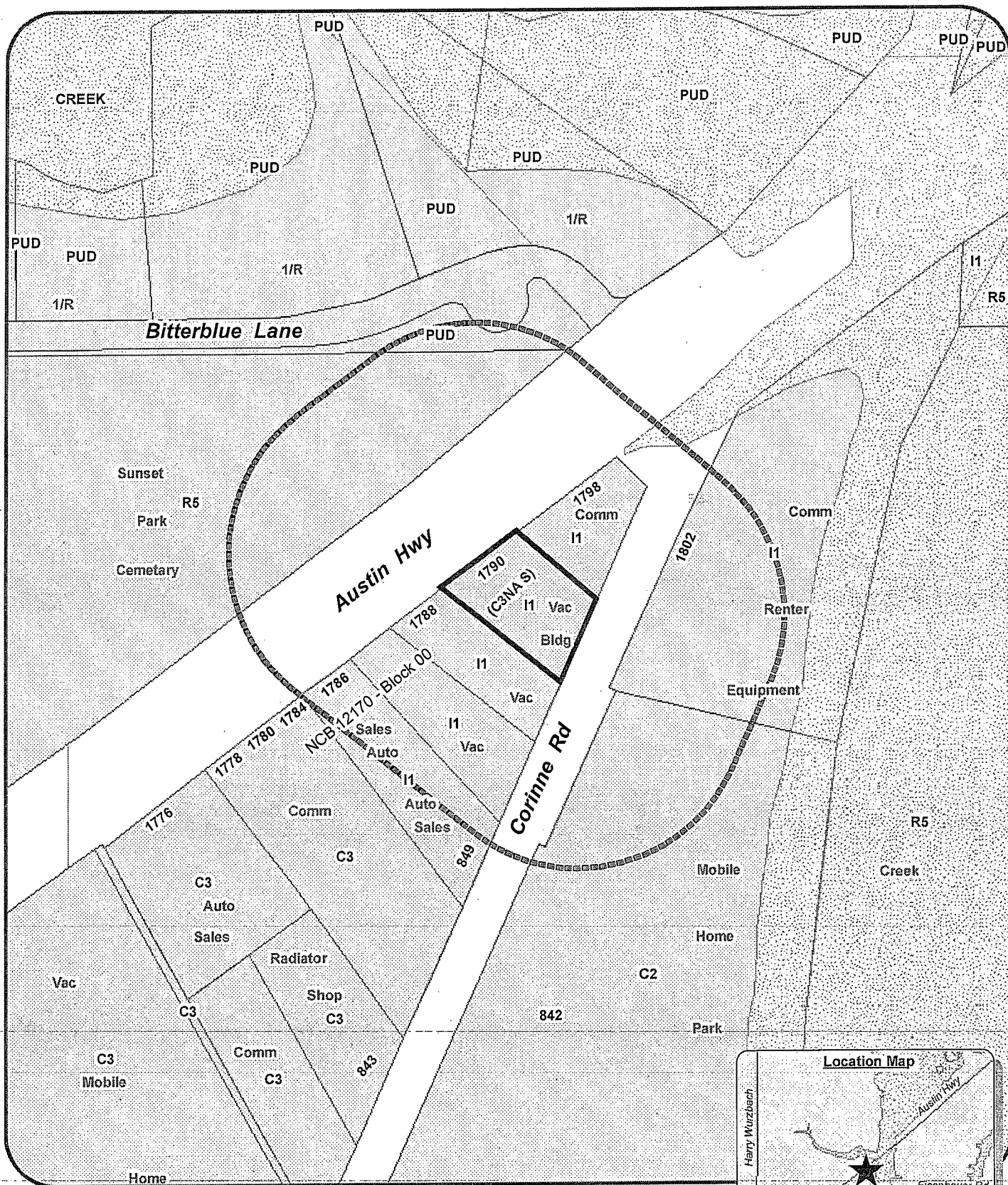
Date: January 14, 2009

Neighborhood and Urban Design Division Zoning Case Review



Aerial





Zoning Case Notification Plan

Case Z2009-031S

Council District 10

Scale: 1" approx. = 150'

Subject Property Legal Description(s): NCB 12170, Lot 19, Block 00

Legend

- Subject Property (0.3140 acres)
- 200' Notification Buffer
- Current Zoning I1
- Requested Zoning Change (C3NA S)
- 100-Year FEMA Floodplain



City of San Antonio
Planning - Development Services Dept.
12/30/2008
D. E. Castillo

CASE NO: Z2009031 S

Final Staff Recommendation - Zoning Commission

Date: January 20, 2009

Council District: 10

Ferguson Map: 584 B2

Applicant Name:
Puerta Verde, Ltd.

Owner Name:
Puerta Verde, Ltd.

Zoning Request: From "I-1" General Industrial District to "C-3NA S" Commercial Nonalcoholic Sales District with a Specific Use Authorization for an Auto Alarm and Radio Retail Store.

Property Location: Lot 19, NCB 12170

1790 Austin Highway

Between Austin Highway and Corinne Road

Proposal: To allow for an auto alarm and radio retail store

Neigh. Assoc. None

Neigh. Plan None

TIA Statement: A Traffic Impact Analysis (TIA) will not be required.

Staff Recommendation:

Approval

The subject property was annexed in September of 1952 and totals approximately 0.314 acres. There is an existing commercial structure on the property, which measures approximately 2,075 square feet and was constructed in 1972. Upon adoption of the 2001 Unified Development Code, the existing "I-1" General Industrial District converted from the previous 1938 "JJ" Commercial District. The "I-1" base zoning classification does not allow an Auto Alarm and Radio Retail Store by right. "I-1" General Industrial District zoning currently exists to the southeast across Corinne Road as well as to the northeast and southwest of the subject property. Property to the northwest across Austin Highway is zoned "R-5" Residential Single-Family District. Land uses immediately adjacent to the subject property consist of vacant land to the southwest and a commercial use to the northeast. The applicant is requesting a zoning change to re-use the vacant commercial building for an auto alarm and radio retail store.

Staff believes that the existing "I-1" zoning classification is not compatible with the commercial character of Austin Highway and that the subject property is unlikely to be utilized for industrial uses due to its size, shape and location. Uses allowed in "C-3NA S" would be consistent with the zoning and use pattern of the area and conform to the general development pattern of Austin Highway. The requested "C-3NA S" zoning is a downzoning from the existing "I-1" industrial zoning district. The proposed re-use of the existing vacant building would be a substantial improvement to the current conditions of the area. The "NA" zoning is proposed to eliminate the possibility of bars or other alcoholic beverage based facilities.

The purpose of the Specific Use Authorization is to provide for certain uses which, because of their unique characteristics or potential impacts on adjacent land uses, are not generally permitted in certain zoning districts as a matter of right, but which may, under the right set of circumstances and conditions be acceptable in certain specific locations. These uses are permitted only through the issuance of a specific use authorization by the city council after ensuring that the use can be appropriately accommodated on the specific property, will be in conformance with the comprehensive plan, can be constructed and operated in a manner which is compatible with the surrounding land uses and overall character of the community, and that the public interest and general welfare of the citizens of the city will be protected.

CASE NO: Z2009031 S

Final Staff Recommendation - Zoning Commission

Notification of this request was sent to the Aviation Department, since it is located within the 3 mile buffer of the San Antonio International Airport. The Aviation Department indicated that this zoning request change to "C-3NA S" Commercial Nonalcoholic Sales District with a Specific Use Authorization for an Auto Alarm and Radio Retail Store meets the usage of compatible land use as prescribed by Federal Aviation Regulation Part 150.

Should the Zoning Commission recommend approval of "C-3NA S", the following conditions are recommended:

1. No motor vehicle sales shall be allowed on the subject property.
2. No repossessed vehicle sales shall be allowed on the subject property.
3. No storage of junk vehicles shall be allowed on the subject property.
4. Business or office hours of operation shall not be permitted before 7:00 a.m. or after 7:00 p.m.

CASE MANAGER: Pedro Vega 207-7980

CITY OF SAN ANTONIO
AVIATION DEPARTMENT
Interdepartmental Correspondence Sheet

TO: Leslie Zavala, Development Services Department

FROM: Jerry Rankin

COPIES TO: City of San Antonio Zoning Commissioners

SUBJECT: Zoning Case Z2009031

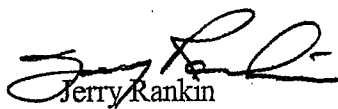
DATE: January 6, 2009

The Aviation Department is in receipt of your request to review zoning case Z2009034.

This property located at 1790 Austin Highway and is less than 3.28 miles southeast of runway 30R, which is one of the primary runways for San Antonio International Airport. The property listed as Lot 19 Block 0 NCB 12170 is located outside the noise contours. The zoning request change to primary "C-3 N/A S" commercial meets the usage of compatible land as prescribed by Federal Aviation Regulation Part 150.

In addition, this zoning change request is subject to the restrictions of the airport zoning ordinances. The maximum height of any proposed structure or building within this area will be limited in height in accordance with the provisions of the ordinance.

If there are any questions, feel free to call me at the Noise Mitigation office at 207-3471.


Jerry Rankin
Noise Mitigation

CORINNE DR

60' R.O.W.

ASPHALT PAVEMENT

S 24° 58' 16" W 100.00'

5" pole Fence/Gate

SITE PLAN
Z2009031S

OVERHEAD POWER
LINE (TYP.)

CONC. BASE
FOR SIGN

25' BLDG. SETBACK

REMAINING PORTION
OF LOT H

LOT 19
0.314 AC.

5" pole Fence

SINGLE STORY
BUILDING
2,205 SF.

ASPHALT PAVEMENT

SCALE: 1" = 20'

• FND. 1/2" IRON PI
• UTILITY POLE

AUSTIN HWY (U.S. HWY. 81)
100' R.O.W.
ASPHALT PAVEMENT

100% Impervious Cover

BUYER : PUERTO VERDE LIMITED
ADDRESS : 1790 AUSTIN HWY.
LOT 19

OFF AUSTIN HIGHWAY HEIGHTS SUBDIVISION
CITY : SAN ANTONIO
ACCORDING TO THE PLAT RECORDED IN :
VOLUME : 9525 PAGE : 41

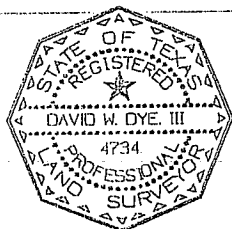
BLOCK : N.C.B. : 12170

COUNTY : BEXAR STATE : TEXAS
TITLE COMPANY : ALAMO TITLE
GP NO. : 9710405262

FLOOD NOTE: ACCORDING TO FLOOD INSURANCE RATE MAP PANEL NUMBER 48029C0456 E THIS PROPERTY IS NOT IN FLOOD ZONE "A". IT IS IN ZONE "X".

THIS PROPERTY IS SUBJECT TO RESTRICTIVE COVENANTS AND EASEMENTS RECORDED IN :
VOL. : 1391 PG. : 349 VOL. : 5401 PG. : 534

DYE ENTERPRISES
4047 STAHL ROAD, SUITE 3
SAN ANTONIO, TEXAS 78217
TEL (210) 599-4123
FAX (210) 599-4191



STATE OF TEXAS
COUNTY OF BEXAR

THE ABOVE SURVEY WAS PREPARED FROM AN ACTUAL SURVEY MADE ON THE GROUND UNDER MY SUPERVISION AND THERE ARE NO APPARENT EASEMENTS, PROVISIONS OR INTRUSIONS EXCEPT AS SHOWN.

THIS 17 DAY OF JULY 1997 A.D.

DAVID W. DYE III R.P.L.S. NO. 4734

DRAWN BY : WSE

JOB NO. : 971191

FIELD WORK COMPLETED : 7-16-97

THIS SURVEY IS ACKNOWLEDGED
AND ACCEPTED BY:



Zoning Case Notification Plan

Case Z2009032

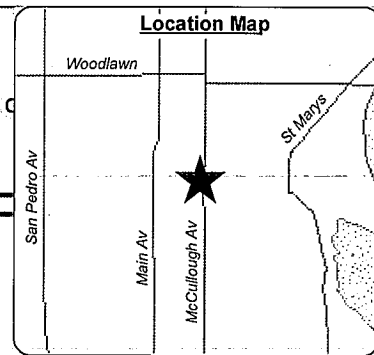
Council District 1

Scale: 1" approx. = 100'

Subject Property Legal Description(s): East 114.6 feet of Lot 14, Block 3, NCB 1726

Legend

- Subject Property (0.1414 acres)
- 200' Notification Buffer
- Current Zoning **C3**
- Requested Zoning Change **(HS C3)**
- 100-Year FEMA Floodplain



City of San Antonio
Planning - Development Services Dept.
12/30/2008
D. E. Castillo

CASE NO: Z2009032

Final Staff Recommendation - Zoning Commission

Date: January 20, 2009

Council District: 1

Ferguson Map: 616 E1

Applicant Name:

Owner Name:

City of San Antonio, Historic Preservation
Office

Deeplak Land Trust

Zoning Request: From "C-3" General Commercial District to "C-3 HS" General Commercial Historic Significance District.

Property Location: The east 114.6 feet of Lot 14, Block 3, NCB 1726

2011 McCullough Avenue

On the west side of McCullough Avenue, between East Ashby Place and East Courtland Place

Proposal: To designate as Historic Significant

Neigh. Assoc. Tobin Hill Neighborhood Association

Neigh. Plan Tobin Hill Neighborhood Plan

TIA Statement: A Traffic Impact Analysis (TIA) will not be required.

Staff Recommendation:

A finding of consistency is not required because there is no request to change the base zoning district.

The subject property is located on the west side of McCullough Avenue, between East Ashby Place and East Courtland Place. The subject property is approximately 0.14 of an acre in size, and is located within the 1938 city limits. There is a large 2-story vacant residential structure on the property. According to the City of San Antonio Office of Historic Preservation, the exact date of construction is unknown; however, the structure was likely built very early in the twentieth century. The house was likely originally located elsewhere, and moved to its current site in the early 1930s.

The subject property was originally zoned "F (UC)" Local Retail Urban Corridor District. In a 1995 city-initiated zoning case, the property was rezoned "B-3 (UC)" Business Urban Corridor District. Upon the adoption of the 2001 Unified Development Code, the previous zoning converted to "C-3" General Commercial District. Surrounding land uses include a gas station, graphic art/sign shop, antique shops, a flower shop, a night club, and office supply retail to the north and south along McCullough Avenue; with a mix of single-family, multi-family, and office uses along East Ashby Place and East Courtland Place.

Acting as the Applicant, the City of San Antonio Office of Historic Preservation requests a zoning change to "HS C-3" Historic Significant General Commercial District. The property owner opposes the historic designation. On September 10, 2008, the property owner submitted a request for demolition of the structure on the subject property. The Office of Historic Preservation recommended denial of the demolition request, and approval of a Finding of Historic Significance. On November 19, 2008, the Historic and Design Review Commission agreed with the Historic Preservation Office and approved a finding of Historic Significance based on the following criteria:

1. the property's embodiment of distinguishing characteristics of an architectural style valuable for the study of a period: Classical Revival style popularized during the early twentieth century; and
2. the property's historical and architectural integrity of location, design, materials, and workmanship reflective

CASE NO: Z2009032

Final Staff Recommendation - Zoning Commission

of early twentieth-century residential development of the Tobin Hill neighborhood.

The Tobin Hill Neighborhood Plan encourages "the conservation of architectural character through adaptive reuse" and protecting and enhancing "the existing building and streetscape character on commercial corridors." Planning and Development Services staff recommends approval.

Pursuant to Texas Local Government Code §§ 211.001 and 211.003, historic districts and landmark designations are adopted in order to protect and preserve places and areas of historical, cultural, or architectural importance and significance. Historic districts and Landmark designation preserve and enhance the city's historic resources pursuant to Goal 2 of the Urban Design Element of the Master Plan.

CASE MANAGER : Micah Diaz 207-5876

Neighborhood and Urban Design Division

Zoning Case Review

Zoning Case No.: Z2009032

Address: 2011 McCullough

Existing Zoning: C-3

Requested Zoning: C-3 HS

Registered Neighborhood Association(s): Tobin Hill

Neighborhood/Community/Perimeter Plan: Tobin Hill Neighborhood Plan

Future Land Use for the site: Low Density Mixed Use

Low Density Mixed Use land uses include a mix of low intensity residential and commercial uses (adjacent lots, or integrated in one structure); shared parking located to the rear of structure, limited curb cuts. Examples include professional/personal services, shop –front retail with restaurants, cafes, and gift shops. The plan also states, "Encourage the conservation of architectural character through adaptive reuse." (Tobin Hill Neighborhood Plan, p. 23).

Other Comments:

Additionally, the plan states the desire to create a Neighborhood Conservation District "to protect and enhance the existing building and streetscape character on these commercial corridors." (Tobin Hill Neighborhood Plan, p. 79).

Analysis:

☐ Request conforms to Land Use Plan

☐ Request does not conform to Land Use Plan

☒ Consistency not required because base zoning not changing

Staff Recommendation:

☒ Approval

☐ Denial

☐ Alternate Recommendation

Reviewer: Brad Smilgin

Title: Planner

Date: January 7, 2009

Manager Review: Nina Nixon-Mendez

Date: January 8, 2009

[illegible]

175 87.5 0 175 Feet

David Smiley
Jan. 7, 2009

Z2009032

A RESOLUTION 2008-12-11-0059R

DIRECTING THE OFFICE OF HISTORIC PRESERVATION TO
INITIATE A ZONING DISTRICT BOUNDARY CHANGE TO
DESIGNATE 2011 MCCULLOUGH AS HISTORIC SIGNIFICANT
(DISTRICT 1).

* * * * *

WHEREAS, the Historic and Design Review Commission approved a finding of Historic Significance and the Office of Historic Preservation is requesting concurrence from City Council to move forward with the Historic Designation of 2011 McCullough; and

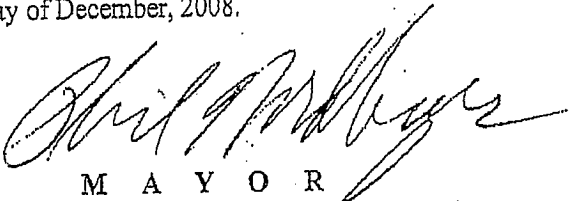
WHEREAS, City Council desires to initiate a change in the zoning district boundary of property to a zoning district compatible with current use and the surrounding area in accordance with Chapter 211 of the Texas Local Government Code and Article III of the San Antonio Unified Development Code;
NOW THEREFORE;

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

Section 1. The City Council hereby directs City Staff to initiate a change in the zoning district boundary of property located at 2011 McCullough for Historic Designation.

Section 2. This resolution shall be effective on December 21, 2008.

PASSED AND APPROVED this 11th day of December, 2008.


M A Y O R

PHIL HARDBERGER

ATTEST:


City Clerk

APPROVED AS TO FORM:


City Attorney





Z2009032

CITY OF SAN ANTONIO

HISTORIC AND DESIGN REVIEW COMMISSION CERTIFICATE OF APPROPRIATENESS

November 19, 2008

HDRC CASE NO:
ADDRESS:
LEGAL DESCRIPTION:
PUBLIC PROPERTY:
HISTORIC DISTRICT:
LANDMARK:
APPLICANT:

2008-288
2011 McCullough
NCB01726B3LE114614

OWNER:
TYPE OF WORK:

City of San Antonio,
Historic Preservation Officer
Deepak Land Trust
Denial of Demolition and Finding of Historic
Significance

P.O. Box 839966

REQUEST:

The applicant is requesting a Certificate of Appropriateness for Finding of Historic Significance and Denial of Demolition.

RECOMMENDATION:

Staff recommends denial of demolition and approval of Finding of Historic Significance. This case was referred to Architectural and Demolition Committees on November 5, 2008.

The staff recommends approval of this request for a Finding of Historic Significance and denial of the request for demolition. Staff has determined that the building at 2011 McCullough qualifies for historic landmark status based on the following criteria:

- (1) Its embodiment of distinguishing characteristics of an architectural style valuable for the study of a period: Classical Revival style popularized during the early twentieth century [35-607(b)(5)].
- (2) Its historical and architectural integrity of location, design, materials, and workmanship reflective of early twentieth-century residential development of the Tobin Hill neighborhood [35-607 (b) (8)].

COMMISSION ACTION:

Approval of Finding of Historic Significance.

Sharon Wasielewski
Historic Preservation Officer



Z2009032

CITY OF SAN ANTONIO

HISTORIC AND DESIGN REVIEW COMMISSION CERTIFICATE OF APPROPRIATENESS

November 05, 2008

HDRC CASE NO: 2008-288

ADDRESS: 2011 McCullough

LEGAL DESCRIPTION: NCB01726B3LE114614

PUBLIC PROPERTY:
HISTORIC DISTRICT:
LANDMARK:

APPLICANT: City of San Antonio, P.O. Box 839966
Interim Historic Preservation Officer

OWNER: Deepak Land Trust

TYPE OF WORK: Finding of Historic Significance

REQUEST:

The applicant is requesting a Certificate of Appropriateness for a Finding of Historic Significance and a recommendation from the Historic Design Review Commission to the Zoning Commission and the City Council for designation of Historic Significant for the property at 2011 McCullough Ave.

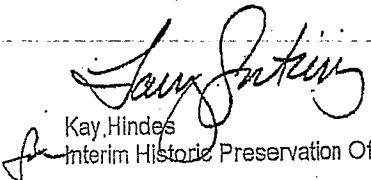
RECOMMENDATION:

The staff recommends approval of this request for a Finding of Historic Significance and denial of the request for demolition. Staff has determined that the building at 2011 McCullough qualifies for historic landmark status based on the following criteria:

- (1) Its embodiment of distinguishing characteristics of an architectural style valuable for the study of a period: Classical Revival style popularized during the early twentieth century [35-607(b)(5)]
- (2) Its historical and architectural integrity of location, design, materials, and workmanship: reflective of early twentieth-century residential development of the Tobin Hill neighborhood [35-607(b)(8)]

COMMISSION ACTION:

Referred to Architectural Committee /Demolition Committee.

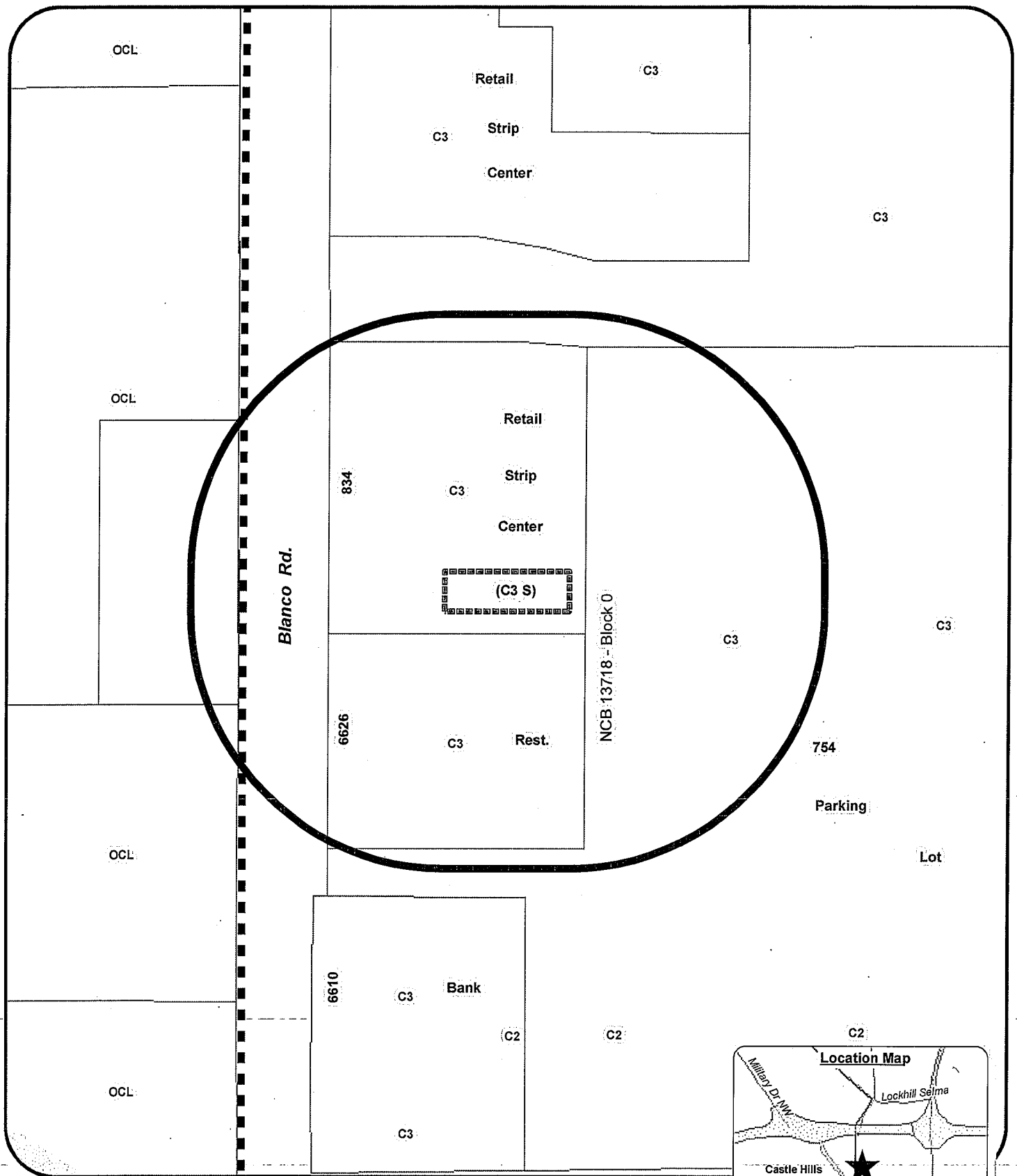

Kay Hinder

Interim Historic Preservation Officer

PLANNING DEPARTMENT
TEL: (210) 207-7873

• P.O. BOX 839966 •
TTY: (210) 207-7911

SAN ANTONIO, TEXAS 78288-3966
FAX: (210) 207-7897



Zoning Case Notification Plan

Case Z2009-034 S

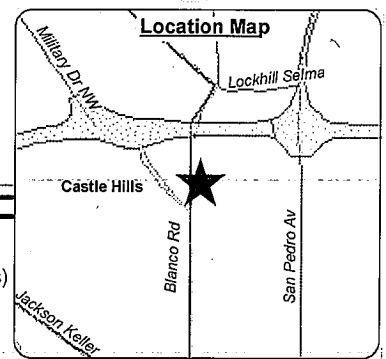
Council District 1

Scale: 1" approx. = 100'

Subject Property Legal Description(s): 0.0476 of an acre out of NCB 13718

Legend

- Subject Property (0.0476 acres)
- 200' Notification Buffer
- Current Zoning **C3**
- Requested Zoning Change **(C3 SUP)**
- 100-Year FEMA Floodplain



City of San Antonio
Planning - Development Services Dept.
1/2/2009
D. E. Castillo

CASE NO: Z2009034 S

Final Staff Recommendation - Zoning Commission

Date: January 20, 2009

Council District: 1

Ferguson Map: 550 C7

Applicant Name:

Rob Jacknewitz

Owner Name:

PN Plaza Investments, L. P.

Zoning Request: From "C-3" General Commercial District to "C-3 S" General Commercial District with a Specific Use Authorization to allow a Pay Day Loan Agency.

Property Location: 0.0476 of an acre out of Lot 18, NCB 13718

834 Northwest Loop 410

On the east side of Blanco Road, between Northwest Loop 410 to the north and Thames Drive to the south

Proposal: To allow a Pay Day Loan Agency

Neigh. Assoc. Shearer Hills-Ridgeview Neighborhood Association

Neigh. Plan North Central Neighborhoods Community Plan

TIA Statement: A Traffic Impact Analysis is not required.

Staff Recommendation:

A finding of consistency is not required because the applicant is not requesting a change to the base zoning district. The North Central Neighborhoods Community Plan calls for Regional Commercial land use for the subject property.

Approval

The subject property is located within a retail shopping center, the former site of Central Park Mall, with access to Blanco Road (a Secondary Arterial "Type B" street). The property is adjacent to C-3 zoning to the north, south and east and property to the west is located outside the city limits of San Antonio (Castle Hills). The surrounding land uses consist of a retail strip center to the north and west and a restaurant and bank to the south. The city of Castle Hills is situated to the west.

Due to the proximity of the subject property to the San Antonio International Airport, this application was reviewed by the Aviation Department. The subject property is located outside the noise contours and the requested "C-3 S" General Commercial zoning district with a Specific Use Authorization for a Pay Day Loan Agency is compatible with Federal Aviation Regulation Part 150.

The applicant is requesting a zoning change to allow a pay day loan agency, which requires a Specific Use Authorization in C-3 zoning districts. The purpose of the Specific Use Authorization is to provide for certain uses which, because of their unique characteristics or potential impacts on adjacent land uses, are not generally permitted in certain zoning districts as a matter of right, but which may, under the right set of circumstances and conditions be acceptable in certain specific locations.

Staff finds the request for a Specific Use Authorization to be appropriate given the subject property's location along a major arterial, and the prevalence of commercial zoning and uses to the north, south and east. Additionally, the proposed zoning district and use of the property are consistent with the current development pattern along this portion of Blanco Road as there are parcels in the immediate vicinity which may be

CASE NO: Z2009034 S

Final Staff Recommendation - Zoning Commission

developed with these types of uses in the future since they have existing commercial zoning districts. The subject property is bound by existing commercial zoning to the east and south making commercial development of the property appropriate as well.

CASE MANAGER : Brenda Valadez 207-7945

Neighborhood and Urban Design Division Zoning Case Review

Zoning Case No.: Z2009034

Address: 834 NW Loop 410

Existing Zoning: C-3

Requested Zoning: C-3 S (Pay-day loan agency)

Registered Neighborhood Association(s): Shearer Hills/Ridgeview Neighborhood Association

Neighborhood/Community/Perimeter Plan: North Central Neighborhoods Community Plan

Future Land Use for the site: Regional Commercial

Regional Commercial land uses include: automobile sales, major automobile repair, mini-warehouses, wholesale, "big box" retailers, large commercial centers, malls, large home improvement centers, large hotels and motels, major employment centers, and mid to high rise office buildings. The plan also states, "Where possible, revitalized or redeveloped centers should be designed to create safe, attractive and convenient vehicular and pedestrian linkages with adjoining land uses." (North Central Neighborhood Community Plan, p. 49).

Other Comments:

Additionally, the plan states that the former site of Central Park Mall, "presents an excellent opportunity for new regional commercial development in the North Central Community" (North Central Neighborhood Community Plan, p. 21).

Analysis:

The redevelopment of the former site of Central Park Mall for regional commercial land use is consistent with the future land use plan. The regional commercial land use proposed through the zoning change request is consistent with the North Central Neighborhoods Community Plan.

☒ Request conforms to Land Use Plan

☐ Request does not conform to Land Use Plan

☐ Consistency not required because base zoning not changing

Staff Recommendation:

☒ Approval

☐ Denial

☐ Alternate Recommendation

Reviewer: Rebecca Paskos

Title: Senior Planner

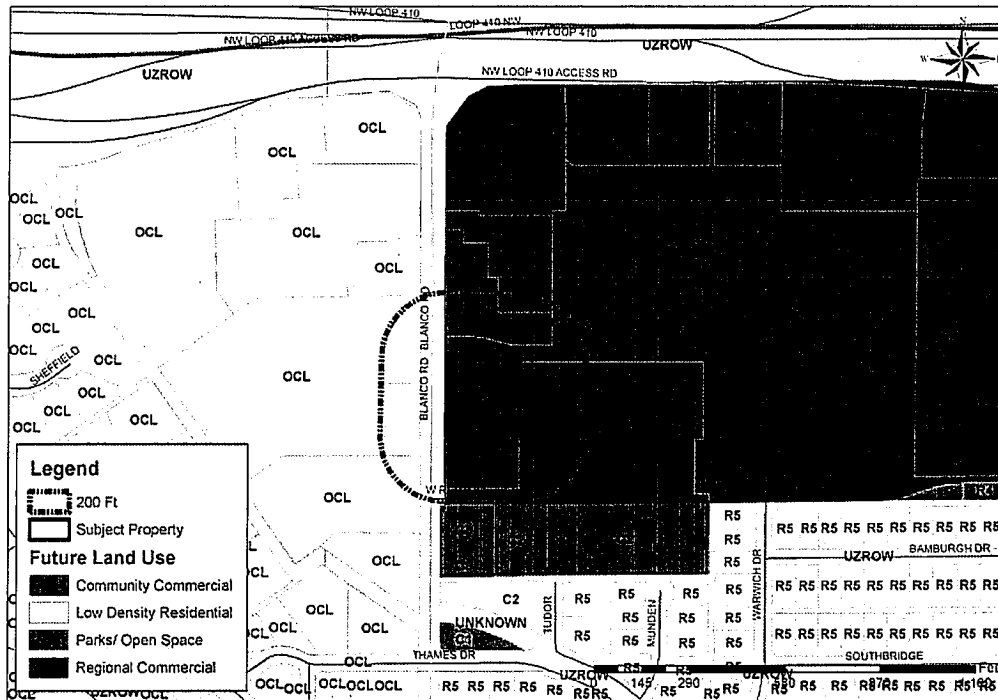
Date: December 22, 2008

Manager Review: Nina Nixon-Mendez

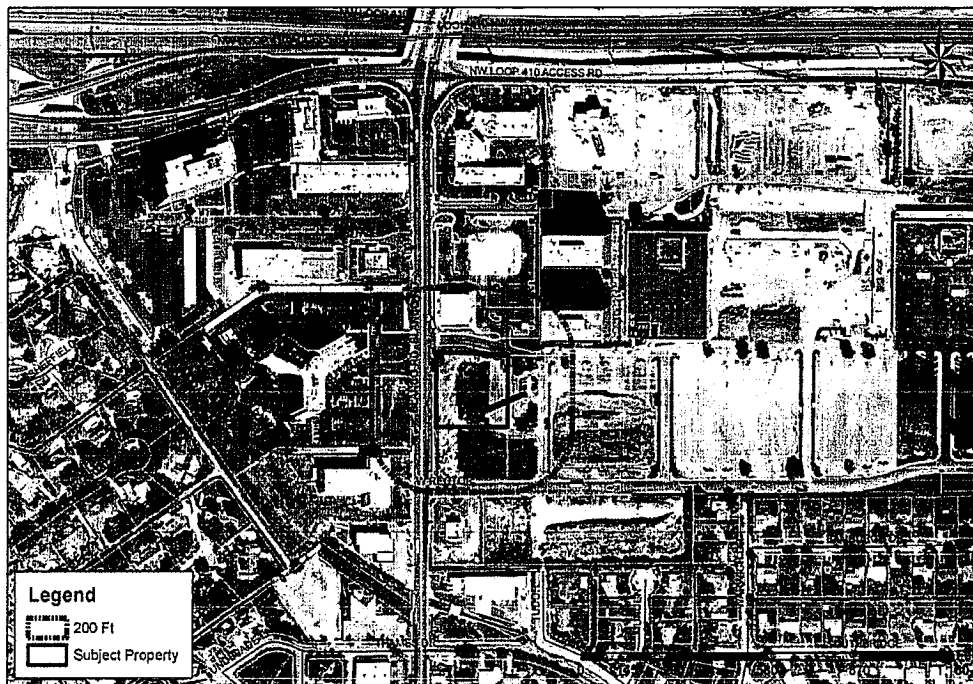
Date: January 8, 2009

Neighborhood and Urban Design Division Zoning Case Review

Z2009034: Future Land Use



Z2009034: Aerial



CITY OF SAN ANTONIO
AVIATION DEPARTMENT
Interdepartmental Correspondence Sheet

TO: Leslie Zavala, Development Services Department

FROM: Jerry Rankin

COPIES TO: City of San Antonio Zoning Commissioners

SUBJECT: Zoning Case Z2009034

DATE: January 6, 2009

The Aviation Department is in receipt of your request to review zoning case Z2009034.

This property located at 934 NW Loop 410 and is less than 2.07 miles southwest of runway 3, which is one of the primary runways for San Antonio International Airport. The property listed as Lot 0 Block 0 NCB 137181 is located outside the noise contours. The zoning request change to primary "C-3 with specific use permit" commercial meets the usage of compatible land as prescribed by Federal Aviation Regulation Part 150.

In addition, this zoning change request is subject to the restrictions of the airport zoning ordinances. The maximum height of any proposed structure or building within this area will be limited in height in accordance with the provisions of the ordinance.

If there are any questions, feel free to call me at the Noise Mitigation office at 207-3471.


Jerry Rankin
Noise Mitigation

